

# SENATE BILL No. 101

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 34-28-5-5.

**Synopsis:** Penalties for Class D infractions. Provides that \$5 of each penalty imposed by a court for a Class D infraction must be deposited in the general fund of the city, town, or county in which the court has jurisdiction.

**Effective:** July 1, 2004.

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January 6, 2004, read first time and referred to Committee on Finance.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

## SENATE BILL No. 101

A BILL FOR AN ACT to amend the Indiana Code concerning civil law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 34-28-5-5 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) A defendant  
3 against whom a judgment is entered is liable for costs. Costs are part  
4 of the judgment and may not be suspended except under IC 9-30-3-12.  
5 Whenever a judgment is entered against a person for the commission  
6 of two (2) or more civil violations (infractions or ordinance violations),  
7 the court may waive the person's liability for costs for all but one (1) of  
8 the violations. This subsection does not apply to judgments entered for  
9 violations constituting:  
10 (1) Class D infractions; or  
11 (2) Class C infractions for unlawfully parking in a space reserved  
12 for a person with a physical disability under IC 5-16-9-5 or  
13 IC 5-16-9-8.  
14 (b) If a judgment is entered:  
15 (1) for a violation constituting:  
16 (A) a Class D infraction; or  
17 (B) a Class C infraction for unlawfully parking in a space

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reserved for a person with a physical disability under  
 IC 5-16-9-5 or IC 5-16-9-8; or  
 (2) in favor of the defendant in any case;  
 the defendant is not liable for costs.

(c) Except for costs **and five dollars (\$5) of each judgment for a Class D infraction**, the funds collected as judgments for violations of statutes defining infractions shall be deposited in the state general fund. **Five dollars (\$5) of each judgment for a Class D infraction shall be retained and deposited in:**

(1) the county general fund of the county where the violation occurred, if the adjudicating court is a circuit, superior, or county court; or

(2) the city or town general fund, if the adjudicating court is a city or town court.

(d) A judgment may be entered against a defendant under this section or section 4 of this chapter upon a finding by the court that the defendant:

(1) violated:

(A) a statute defining an infraction; or

(B) an ordinance; or

(2) consents to entry of judgment for the plaintiff upon a pleading of nolo contendere for a moving traffic violation.

**SECTION 2. [EFFECTIVE JULY 1, 2004] IC 34-28-5-5, as amended by this act, applies to all judgments imposed for Class D infractions after June 30, 2004, regardless of when the infractions were committed.**

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